

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2021, Legislative Day No. 1

Bill No. 3-21

Mr. David Marks, Councilman

By the County Council, January 4, 2021

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Multi-Family Residential and Non-Residential Uses in B.M. Zones

FOR the purpose of permitting a combination of multi-family residential and non-residential uses under certain circumstances in the B.M. Zone in certain areas; providing certain restrictions and requirements; and generally relating to multi-family residential and non-residential uses in the B.M. Zone.

BY adding

Section 233.1.F
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

3
4 ARTICLE 2 - ELEVATOR-APARTMENT RESIDENCE ZONES,
5 RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES,
6 MANUFACTURING ZONES AND DISTRICTS

7 SECTION 233 – Business, Major (B.M) Zone Use Regulations

8
9 § 233.1. Permitted Uses.

10 F. COMBINATION OF MULTI-FAMILY RESIDENTIAL AND NON-RESIDENTIAL
11 USES.

12 1. LOCATIONAL REQUIREMENT. NOTWITHSTANDING ANY
13 PROVISION OF THESE REGULATIONS TO THE CONTRARY, THE COMBINATION OF
14 MULTI-FAMILY RESIDENTIAL AND NON-RESIDENTIAL USES ARE PERMITTED IN
15 THE B.M. ZONE ON A DEVELOPMENT TRACT, WHICH MAY INCLUDE ONE OR
16 MORE LOTS UNDER COMMON OWNERSHIP OR CONTROL, IF THE DEVELOPMENT
17 TRACT:

18 A. IS AT LEAST 20 ACRES IN SIZE;

19 B. IS IN A COMMUNITY ENHANCEMENT AREA AND IN A
20 TRANSECT AREA DESIGNATED T-5 IN THE BALTIMORE COUNTY MASTER PLAN
21 2020; AND

1 C. IS INTERCONNECTED BY PEDESTRIAN SIDEWALKS
2 ACCESSIBLE WITHIN THE DEVELOPMENT TRACT AND ADJACENT TO THE
3 DEVELOPMENT TRACT.

4 2. RESTRICTIONS.

5 A. THE NON-RESIDENTIAL PORTION OF THE DEVELOPMENT
6 TRACT SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

7 (1) PERMITTED RETAIL USES MAY NOT EXCEED TEN
8 PERCENT OF THE ADJUSTED GROSS FLOOR AREA OF THE OVERALL
9 DEVELOPMENT PROJECT; AND

10 (2) THE NON-RESIDENTIAL PORTION MAY NOT EXTEND
11 ABOVE THE FIRST TWO FLOORS ABOVE GROUND LEVEL ON ANY BUILDING THAT
12 HAS A RESIDENTIAL COMPONENT.

13 B. THE MULTI-FAMILY RESIDENTIAL PORTION OF THE
14 DEVELOPMENT TRACT SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

15 (1) NO DWELLING UNIT SHALL BE CONSTRUCTED OR BE
16 ADVERTISED AS HAVING MORE THAN TWO BEDROOMS; AND

17 (2) AT LEAST ONE-THIRD OF ALL DWELLING UNITS IN
18 THE DEVELOPMENT PLAN SHALL BE ELDERLY HOUSING FACILITIES OR
19 APARTMENTS RESTRICTED TO THOSE AGE 55 AND OLDER, AND MUST BE SO
20 DESIGNATED ON THE FINAL DEVELOPMENT PLAN.

21 3. BULK AND AREA REQUIREMENTS.

1 A. MULTI-FAMILY RESIDENTIAL USES DEVELOPED IN
2 ACCORDANCE WITH THIS PARAGRAPH ARE PERMITTED IN ANY STORY OF A
3 BUILDING ABOVE THE FIRST OR GROUND-LEVEL FLOOR.

4 B. THE DENSITY OF THE MULTI-FAMILY RESIDENTIAL
5 COMPONENT SHALL BE CONTROLLED BY THE FLOOR AREA RATIO OF THE
6 OVERALL DEVELOPMENT AS DICTATED BY THE BULK REGULATIONS OF THE
7 B.M. ZONE AND, THEREFORE, SHALL BE MEASURED AND LIMITED BY ITS GROSS
8 FLOOR AREA RATHER THAN BY ANY DIRECT LIMITATIONS ON THE NUMBER OF
9 RESIDENTIAL UNITS.

10 C. THE ONLY APPLICABLE BUILDING SETBACKS SHALL BE
11 FRONT, SIDE, AND REAR BUILDING LINE TO EXTERNAL PROPERTY LINE
12 SETBACKS OF FIVE FEET EACH. SECTION 102.2 OF THESE REGULATIONS SHALL
13 NOT BE APPLICABLE.

14 4. OPEN SPACE. THE OPEN SPACE WAIVER FEE FOR MULTI-FAMILY
15 RESIDENTIAL USES PERMITTED PURSUANT TO THIS SECTION SHALL BE THE FEE
16 APPLICABLE TO THE B.M. ZONE.

17 5. PARKING. THE MULTI-FAMILY RESIDENTIAL COMPONENT OF THE
18 DEVELOPMENT TRACT MUST INCLUDE STRUCTURED PARKING.

19
20 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
21 after the date of its enactment.